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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,942	03/19/2004	Sou Kaida	Q80531	7170

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,942

Applicant(s)

KAIDA, SOU

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-3, 10-12 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwazoe.

The claimed invention reads on Kuwazoe as follows:

Regarding claim 1, Kuwazoe discloses a mobile telephone (fig. 2) comprising: main display means (fig. 2 number 21) and auxiliary display means (fig. 2 number 33); and control means (fig. 2 number 51) for executing processing based upon a program (telephone book directory) (free charge setting) that has been stored in said mobile telephone thereby implement a plurality of

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functions (i.e. memory for storing telephone book numbers, call record information and the like within a hierarchical tree structure which can be access and displayed (functions) by using operation keys) (abstract, fig. 3, paragraph 0013 lines 10-20, paragraph 0033 line 1 through paragraph 0039 line 6 and paragraph 0050 line 1 through paragraph 0053 line 6); wherein display contents that is the result of processing by the same function is displayed on both said main display means and said auxiliary display means (abstract and paragraph 0013 lines 10-20).

Regarding claims 2,3,11,12,20 and 21, Kuwazoe discloses assign priorities to the plurality of functions separately for each of said main and auxiliary display means (paragraph 0013 line 17 through paragraph 0014 line 11 and paragraph 0034 line 1 through paragraph 0048 line 10), thereby managing functions that process display content displayed on means (paragraph 0013 line 17 through paragraph 0014 line 11 and paragraph 0034 line 1 through paragraph 0048 line 10); and said main and auxiliary display present display in order starting from display contents that has been process by a function having the highest priority (paragraph 0013 line 17 through paragraph 0014 line 11, fig. 3,

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and paragraph 0034 line 1 through paragraph 0048 line 10), and operation input means (keys 11 and 12) capable of selecting a function (paragraph 0045) that process display content displayed on said auxiliary display means (paragraph 0040 line 1 through paragraph 0046 line 4).

Regarding claim 10, Kuwazoe discloses a method (paragraph 0035 through paragraph 0039 line 7 and paragraph 0042 line 1 through paragraph 0046 line 5) of controlling display on a mobile telephone having main display means (fig. 2 number 21, abstract, fig. 3, paragraph 0013 lines 10-20, and paragraph 0033 line 1 through paragraph 0034 line 5), auxiliary display means (fig. 2 number 33, abstract, fig. 3, paragraph 0013 lines 10-20, and paragraph 0033 line 1 through paragraph 0034 line 5) and control means (fig. 2 number 51) for executing processing based upon a program (telephone book directory) (free charge setting) that has been stored in said mobile telephone to thereby implement a plurality of functions (i.e. memory for storing telephone book numbers, call record information and the like within a hierarchical tree structure which can be access and displayed (functions) by using operation keys) (abstract, fig. 3, paragraph 0013 lines 10-20, paragraph 0033 line 1 through

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paragraph 0039 line 8 and paragraph 0050 line 1 through paragraph 0053 line 6), said method comprising a control step of exercising control in such a manner that display content that is the result of processing by the same function is displayed on both the main display means and the auxiliary display means (abstract and paragraph 0013 lines 10-20).

Regarding claim 19, Kuwazoe discloses a display control program (paragraph 0035 through paragraph 0039 line 7 and paragraph 0042 line 1 through paragraph 0046 line 5) for controlling display on a mobile telephone having main display means (fig. 2 number 21, abstract, fig. 3, paragraph 0013 lines 10-20, and paragraph 0033 line 1 through paragraph 0034 line 5), auxiliary display means (fig. 2 number 33, abstract, fig. 3, paragraph 0013 lines 10-20, and paragraph 0033 line 1 through paragraph 0034 line 5) and control means (fig. 2 number 51) for executing processing based upon a program (telephone book directory) (free charge setting) that has been stored in said mobile telephone to thereby implement a plurality of functions (i.e. memory for storing telephone book numbers, call record information and the like within a hierarchical tree structure which can be access and displayed (functions) by using operation

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keys) (abstract, fig. 3, paragraph 0013 lines 10-20, paragraph 0033 line 1 through paragraph 0039 line 8 and paragraph 0050 line 1 through paragraph 0053 line 6), said display control program implementing control in such a manner that display content that is the result of processing by the same function is displayed on both the main display means and the auxiliary display means (abstract and paragraph 0013 lines 10-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4-9,13-18 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwazoe in view of Hama.

Regarding claims 4,6,8,13,15,17,22,24 and 26 Kuwazoe discloses a mobile telephone as discussed supra in claims 1-3,10-12 and 19-21 above. Kuwazoe differs from claims 4,6,8,13,15,17,22,24 and 26 of the present invention in that it does not disclose said control means exercises control so as to count, for each of the plurality of functions, the number of times the function has been selected by said auxiliary operation input means, and change the priority for presentation of displays on the auxiliary display means in accordance with the

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number of times the function has been selected. Hama teaches a control unit that determine the length of time that scroll key is scroll or pushed when selecting register information to be displayed within a sub display and change the presentation of the register information within the sub-display based from 001 to 999 based upon priority when scrolling down (paragraph 0114 line 1 through paragraph 0117 line 5 and paragraph 0120 line 1 through paragraph 0123). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuwazoe with said control means exercises control so as to count, for each of the plurality of functions, the number of times the function has been selected by said auxiliary operation input means, and change the priority for presentation of displays on the auxiliary display means in accordance with the number of times the function has been selected in order for the mobile telephone to determine the right menu setting within the hierarchical tree structure by pressing the keys longer to separate the hierarchical tree structure to the right information for selection by the subscriber and scroll or move the menu setting based upon the pressure on the keys, as taught by Hama.

Regarding claims 5,7,9,14,16,18,23,25 and 27, Kuwazoe discloses a mobile telephone as discussed supra in claims 1-3, 10-12 and 19-21 above. Kuwazoe differs from claims 5,7,9,14, 16,18,23,25 and 27 of the present invention in that it does not disclose said control means exercises control so as to measure, for each of the plurality of functions, display time during which display content that has been processed by the function is displayed on said auxiliary display means, and change the priority for presentation of displays on the auxiliary display means in accordance with the display time measured. Hama teaches a mobile telephone registered information is displayed within a sub-display by the length (amount) (measure) of time the scroll keys are pressed (paragraph 0123 lines 1-7), and displaying time variables during which display information that has been processed by the function is displayed on said sub-display (paragraph 0139 line 1 through paragraph 0146 line 5), and change the priority for presentation of displays on the auxiliary display means in accordance with the display time measured (paragraph 0139 line 1 through paragraph 0146 line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuwazoe

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with said control means exercises control so as to measure, for each of the plurality of functions, display time during which display content that has been processed by the function is displayed on said auxiliary display means, and change the priority for presentation of displays on the auxiliary display means in accordance with the display time measured in order for the mobile telephone to know the selection of registered information selected by the user to be viewed on the auxiliary display by the pressure placed upon the operation key, as taught by Hama.

Response to Arguments

6. Applicant's arguments filed May 10, 2006 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

7. Argument: Applicant alleges that Kuwazoe does not disclose executing processing based upon a program stored in memory.

Explanation: Examiner respectfully disagrees because Kuwazoe teaches a telephone with a telephone directory and free charge setting that stores telephone numbers and call records within its memory. By pressing a key (i.e. executing) a signal is sent to the microcomputer (paragraph 0033 line 1 through paragraph 0039 line 7), the call records are access and displayed in a hierarchical order for selection (abstract, fig. 3, paragraph 0013 lines 10-20, paragraph 0033 line 1 through paragraph 0039 line 7 and paragraph 0050 line 1 through paragraph 0053 line 6).

8. Argument: Applicant alleges that none of Kuwazoe corresponds to the plurality functions by executing process based on a program stored in the phone memory.

Explanation: Examiner respectfully disagrees because in order for the user of the telephone to view telephone numbers and call records stored within the telephone, a signal command by

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pressing a key is given to the microprocessor to execute accessing and displaying telephone numbers and call records in hierarchical tree structure order for user selection or for selecting free charge setting (abstract, fig. 3, paragraph 0013 lines 10-20, paragraph 0033 line 1 through paragraph 0039 line 7 and paragraph 0050 line 1 through paragraph 0053 line 6).

9. Argument: Applicant alleges that Kuwazoe do not disclose the controller assigning priorities to the plurality of functions.

Explanation: Examiner respectfully disagrees because Kuwazoe teaches telephone numbers or call records (plurality of functions) (information items) are set in priority based upon a time of user sets the display selection and then after the telephone number or call record is always displayed on the sub display (paragraph 0013 lines 7-16).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith Ferguson
Art Unit 2617
July 12, 2006

KEITH FERGUSON
PRIMARY EXAMINER

